

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001

03 MDL 1570 (GBD) (FM)
ECF Case

This document relates to:

Burnett, et al. v. The Islamic Republic of Iran, et al., Case No. 15 CV 9903 (GBD)(SN)

**DECLARATION OF JOHN M. EUBANKS IN SUPPORT OF
PLAINTIFFS' MOTION TO VACATE PARTIAL FINAL JUDGMENTS**

John M. Eubanks, Esq., hereby states under penalty of perjury that:

1. I am an attorney representing the *Burnett* plaintiffs in the above-captioned litigation, and I submit this declaration in support of Plaintiffs' Motion to Vacate Partial Final Judgments against the Islamic Republic of Iran ("Iran") on behalf of the following five (5) plaintiffs, and only these 5 plaintiffs, in the *Burnett* action, and only in the *Burnett* action: Danielle McGuire, Mara McGuire, Ryan P. McGuire, Sean P. McGuire, and Shea E. McGuire.

2. The source of my information and the bases for my belief in my statements contained herein are my personal involvement in this matter, my firm's representation of the *Burnett* plaintiffs in connection with the In re Terrorist Attacks on September 11, 2001 multidistrict litigation ("MDL 1570"), other court records relating to MDL 1570 to which the *Burnett* plaintiffs are parties, conversations had with family members to the *Burnett* plaintiffs, and file records and communications with counsel representing other plaintiffs in MDL 1570. Any matters about which I lack personal knowledge are asserted herein upon information and belief.

3. This declaration and the Proposed Order being filed contemporaneously with this motion are premised on our recognition that the five above-referenced plaintiffs included in

previous orders entering judgments in the above-captioned *Burnett* action should have their judgments vacated in the *Burnett* action because an additional Order was entered on their behalf in the *Ray* action. ECF No. 5985.

4. As a matter of course, our office has been diligent to comply with the Court's directions contained in this Court's order at ECF No. 3435. Before filing a motion for final damages judgment, my office has reviewed the docket for preexisting judgments and has coordinated with the firms that, collectively, represent the great majority of plaintiffs in MDL 1570, providing the identities of those individuals for whom we intend to move for a final damages judgment. Those firms then cross-reference the names of our claimants with their clients to ensure there is no overlap and no claimant will receive multiple judgments.

5. We also attempt to communicate with the individual clients.

6. Before filing the motions for final damages judgment for each of the five plaintiffs referenced herein, we proceeded as described in the paragraphs above. Those firms with which we communicated advised us where, if at all, there were overlapping individuals and before filing the motions for final damages judgment, we reached agreements as to who would proceed on behalf of each claimant.

7. Notwithstanding exercising the safeguards referenced above, we obtained the following judgments in error:

a. Danielle McGuire: A judgment was sought and obtained on behalf of Danielle McGuire as the spouse of 9/11 decedent Patrick McGuire on February 19, 2020 as a plaintiff in the *Ray, et al. v. Islamic Republic of Iran, et al.*, 1:19-cv-00012 (GBD)(SN) action. See ECF No. 5985, line 40. While the motion seeking judgment and the Order awarding judgment for this plaintiff in the *Burnett*

action predicated the Order in the *Ray* litigation (*see* ECF No. 5848, line 177 (*Burnett XIV*)), the plaintiff nevertheless seeks to keep the judgment in *Ray* intact and vacate the judgment in *Burnett*. The duplicate judgment in *Burnett* on behalf of Danielle McGuire as the spouse of 9/11 decedent Patrick McGuire should be vacated; the judgment on behalf of Danielle McGuire as a plaintiff in the *Ray* action should *not* be disturbed.

- b. Mara Moran McGuire: A judgment was sought and obtained on behalf of Mara Moran McGuire as the child of 9/11 decedent Patrick McGuire on February 19, 2020 as a plaintiff in the *Ray, et al. v. Islamic Republic of Iran, et al.*, 1:19-cv-00012 (GBD)(SN) action. *See* ECF No. 5985, line 41. While the motion seeking judgment and the Order awarding judgment for this plaintiff in the *Burnett* action predicated the Order in the *Ray* litigation (*see* ECF No. 5848, line 179 (*Burnett XIV*)), the plaintiff nevertheless seeks to keep the judgment in *Ray* intact and vacate the judgment in *Burnett*. The duplicate judgment in *Burnett* on behalf of Mara Moran McGuire as the child of 9/11 decedent Patrick McGuire should be vacated; the judgment on behalf of Mara Moran McGuire as a plaintiff in the *Ray* action should *not* be disturbed.
- c. Ryan P. McGuire: A judgment was sought and obtained on behalf of Ryan P. McGuire as the child of 9/11 decedent Patrick McGuire on February 19, 2020 as a plaintiff in the *Ray, et al. v. Islamic Republic of Iran, et al.*, 1:19-cv-00012 (GBD)(SN) action. *See* ECF No. 5985, line 42. While the motion seeking judgment and the Order awarding judgment for this plaintiff in the *Burnett* action predicated the Order in the *Ray* litigation (*see* ECF No. 5848, line 181

(*Burnett XIV*)), the plaintiff nevertheless seeks to keep the judgment in *Ray* intact and vacate the judgment in *Burnett*. The duplicate judgment in *Burnett* on behalf of Ryan P. McGuire as the child of 9/11 decedent Patrick McGuire should be vacated; the judgment on behalf of Ryan P. McGuire as a plaintiff in the *Ray* action should *not* be disturbed.

- d. Sean P. McGuire: A judgment was sought and obtained on behalf of Sean P. McGuire as the child of 9/11 decedent Patrick McGuire on February 19, 2020 as a plaintiff in the *Ray, et al. v. Islamic Republic of Iran, et al*, 1:19-cv-00012 (GBD)(SN) action. *See* ECF No. 5985, line 43. While the motion seeking judgment and the Order awarding judgment for this plaintiff in the *Burnett* action predated the Order in the *Ray* litigation (*see* ECF No. 5848, line 178 (*Burnett XIV*)), the plaintiff nevertheless seeks to keep the judgment in *Ray* intact and vacate the judgment in *Burnett*. The duplicate judgment in *Burnett* on behalf of Sean P. McGuire as the child of 9/11 decedent Patrick McGuire should be vacated; the judgment on behalf of Sean P. McGuire as a plaintiff in the *Ray* action should *not* be disturbed.
- e. Shea E. McGuire: A judgment was sought and obtained on behalf of Shea E. McGuire as the child of 9/11 decedent Patrick McGuire on February 19, 2020 as a plaintiff in the *Ray, et al. v. Islamic Republic of Iran, et al*, 1:19-cv-00012 (GBD)(SN) action. *See* ECF No. 5985, line 44. While the motion seeking judgment and the Order awarding judgment for this plaintiff in the *Burnett* action predated the Order in the *Ray* litigation (*see* ECF No. 5848, line 180 (*Burnett XIV*)), the plaintiff nevertheless seeks to keep the judgment in *Ray*

intact and vacate the judgment in *Burnett*. The duplicate judgment in *Burnett* on behalf of Shea E. McGuire as the child of 9/11 decedent Patrick McGuire should be vacated; the judgment on behalf of Shea E. McGuire as a plaintiff in the *Ray* action should *not* be disturbed.

8. Accordingly, for the foregoing reasons, and solely as to their claims in the *Burnett* action, the referenced five (5) plaintiffs who obtained judgments in the *Burnett* action respectfully ask that this Court grant the Proposed Order filed contemporaneously with this Declaration and vacate the following damages judgments awarded to these 5 *Burnett* Plaintiffs in the *Burnett* case only.

9. Furthermore, Plaintiffs respectfully submit that the Court leave the Order docketed at ECF No. 5848 in force.

Dated: September 17, 2020
Mount Pleasant, South Carolina

/s/ John M. Eubanks
John M. Eubanks, Esq.